CALIFORNIA DEPARTMENT OF JUSTICE

ASSET FORFEITURE

ANNUAL REPORT 2008 ANNUAL REPORT

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Prepared by
Division of Law Enforcement - Bureau of Narcotic Enforcement

Health and Safety Code Section 11495

11495. (a) The funds received by the law enforcement agencies under Section 11489 shall be deposited into an account maintained by the Controller, county auditor, or city treasurer. These funds shall be distributed to the law enforcement agencies at their request. The Controller, auditor, or treasurer shall maintain a record of these disbursements which records shall be open to public inspection, subject to the privileges contained in Sections 1040, 1041, and 1042 of the Evidence Code.

(b) Upon request of the governing body of the jurisdiction in which the distributions are made, the Controller, auditor, or treasurer shall conduct an audit of these funds and their use. In the case of the state, the governing body shall be the Legislature.

(c) Each year, the Attorney General shall publish a report which sets forth the following information for the state, each county, each city, and each city and county:

(1) The number of forfeiture actions initiated.

(2) The number of cases and the administrative number or court docket number of each case for which forfeiture was ordered or declared.

(3) The value of the assets forfeited.

(4) The recipients of the forfeited assets, the amounts received, and the date of the disbursement.

(d) The Attorney General shall develop administrative guidelines for the collection and publication of the information required in subdivision (c).

(e) The Attorney General's report shall cover the calendar year and shall be made no later than March 1 of each year beginning with the year after the enactment of this law.

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Introduction

California Health and Safety Code section 11495, which became effective August 19, 1994, as part of the state's current asset forfeiture statutes, requires the Attorney General to publish an annual report that provides the following information for the state and each county:

- The number of forfeiture actions initiated during the report year.
- The number of cases and the administrative number or court docket number of each case for which forfeiture was ordered or declared during the report year.
- The value of the assets forfeited during the report year.
- The recipients of the forfeited assets, the amounts received, and the dates of the disbursements.

The information covers state seizures and forfeitures conducted pursuant to California law only. Federal seizures and forfeitures in which California law enforcement agencies participated or shared are not reported in this document.

This 14th annual report covers the 2008 calendar year. Subsequent reports will be published by March 1 of each year.

Highlights

The information provided in this report represents 100 percent reporting by California's 58 district attorneys.

- A total of 4,435 forfeiture proceedings were initiated in 2008 involving assets with a total estimated value of $32,718,488. Some of these proceedings are still pending. (The disposition of any pending proceedings will be provided in the annual report covering the year they are completed and fully disbursed.)

- A total of 4,490 forfeiture cases were completed during 2008 (includes cases initiated from 1995 through 2008). The total value of the disbursed assets is $25,548,228.

- Three counties initiated no forfeitures during 2008.

Methodology

To comply with the requirements of Health and Safety Code section 11495, the Department of Justice (DOJ) on December 22, 1994, distributed a Division of Law Enforcement Information Bulletin to all California district attorneys. This bulletin requested that the district attorneys, as the officials conducting state forfeiture proceedings, document the information required for each forfeiture action effective January 1, 1995, and each year thereafter.

DOJ created a self-contained computer program, which was later enhanced, for the district attorneys' use in collecting and reporting the required statistical information. DOJ accepts data from counties in this format as well as other counties' formats to compile statistical data for this report. Prior to completing the Annual Asset Forfeiture Report, the counties are sent the draft of their section so that they have an opportunity to correct any errors before going to the final version and publication.

This report provides the information required by Health and Safety Code section 11495 on all forfeitures initiated during calendar year 2008, both by county and statewide. For forfeitures initiated between 1995 and 2008 that were completed during calendar year 2008, detailed information is provided as to the number of cases, case numbers, asset values, and recipients of the forfeited assets—again by county and statewide.

Pursuant to Health and Safety Code section 11489, state asset forfeiture proceeds are to be distributed as follows:

- One percent to a private, nonprofit organization composed of local prosecutors for the exclusive purpose of providing a statewide program of education and training for prosecutors and law enforcement in the ethics and proper use of state asset seizure and forfeiture laws.

- ◆ Ten percent to the prosecutorial agency that processes the forfeiture action.
- ◆ Twenty-four percent to the State General Fund.
- ◆ Sixty-five percent to the state and/or local law enforcement agencies that participated in the seizure, distributed in a manner that reflects the proportionate contribution of each agency.

(Fifteen percent of any funds distributed to local law enforcement agencies must be deposited in a special fund maintained by the county, city, or city and county of any agency making the seizure or seeking an order for forfeiture. The funds shall be used for the sole purpose of funding programs designed to combat drug abuse and divert gang activity.)

This report indicates most counties have shared the full 65 percent allotment with local law enforcement agencies. It does not provide detail as to those agencies' disposition of 15 percent of their share to a county and/or city special fund because the information was not provided, nor is it required. For those counties that include this 15 percent, the share is listed in Table 3 as going to "15% —11489" or to a county special fund.

In some cases in which the report lists only one law enforcement recipient, that agency may have made further distributions to other law enforcement agencies that assisted in that case. This further distribution information was not available from some district attorneys' offices.

Asset Forfeiture

Statistical Data

Forfeitures Initiated

- Table 1 provides information on asset forfeiture actions initiated pursuant to California law during 2008.

- For purposes of this report, seizure of assets constitutes the initiation of a forfeiture action.

- Some cases listed involved forfeiture actions that were still pending after 2008. In other cases, forfeiture was ordered or declared and assets were distributed during 2008. (Details on the latter are provided in the "Forfeitures Completed" section.)

- The following counties have no information listed in Table 1 because they did not initiate any forfeiture actions during 2008:

  Del Norte Mariposa Sierra

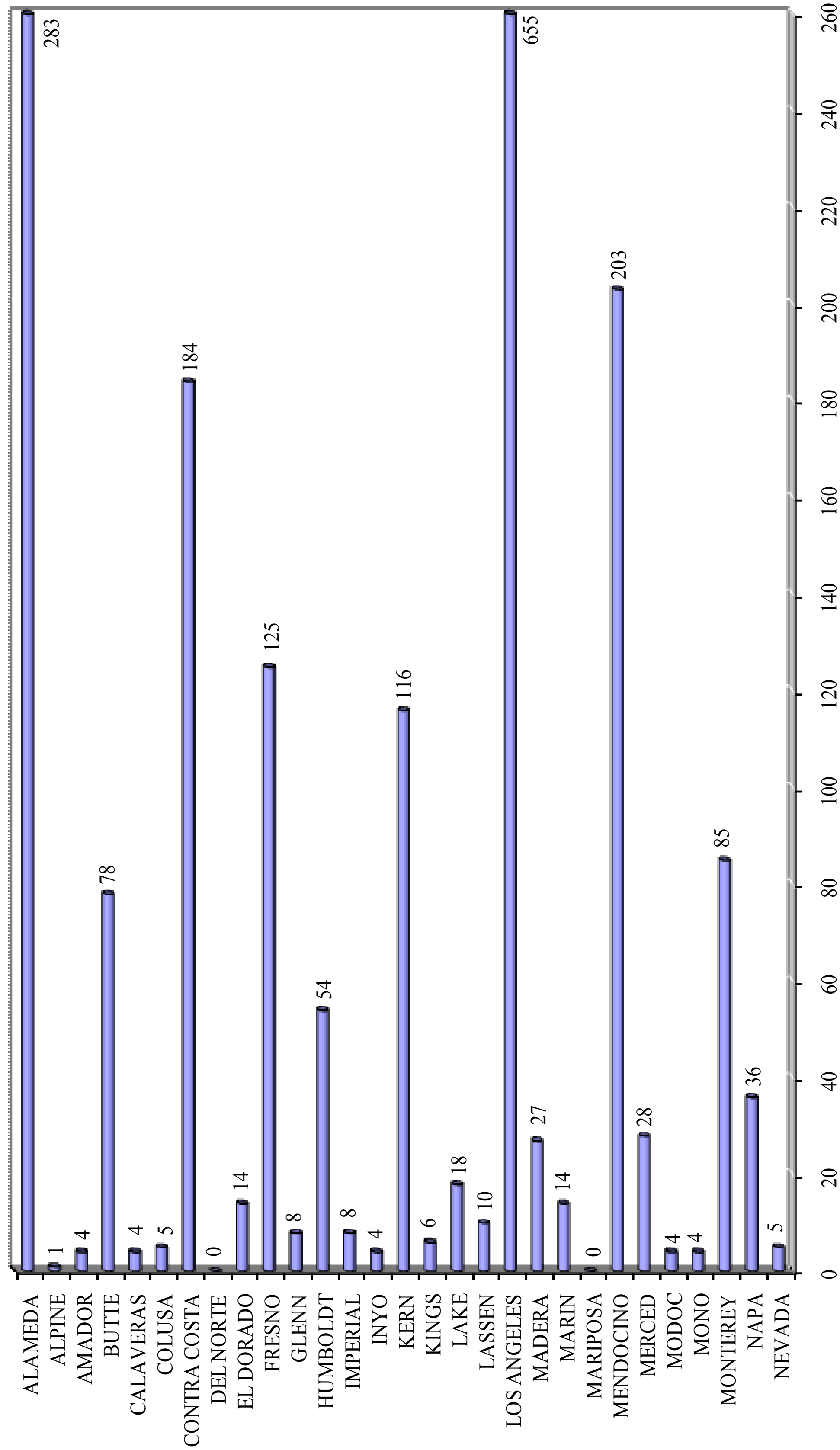
Table 1

County	Total Cases Initiated	Estimated Value of Assets Seized
ALAMEDA	283	$1,466,518.31
ALPINE	1	$2,360.11
AMADOR	4	$7,503.00
BUTTE	78	$811,299.41
CALAVERAS	4	$136,478.00
COLUSA	5	$36,978.00
CONTRA COSTA	184	$851,734.83
DEL NORTE	0	$0.00
EL DORADO	14	$30,646.28
FRESNO	125	$473,274.77
GLENN	8	$31,741.10
HUMBOLDT	54	$485,641.72
IMPERIAL	8	$32,702.05
INYO	4	$41,998.00
KERN	116	$1,129,424.41
KINGS	6	$26,466.07
LAKE	18	$494,290.08
LASSEN	10	$123,912.17
LOS ANGELES	655	$7,709,355.15
MADERA	27	$154,758.47
MARIN	14	$107,376.72
MARIPOSA	0	$0.00
MENDOCINO	203	$2,064,955.78
MERCED	28	$493,167.00
MODOC	4	$18,341.00
MONO	4	$2,424.00
MONTEREY	85	$295,582.25
NAPA	36	$151,415.42
NEVADA	5	$17,067.47
ORANGE	173	$429,696.63
PLACER	73	$177,772.00
PLUMAS	4	$6,969.24
RIVERSIDE	248	$2,553,671.41
SACRAMENTO	411	$1,633,282.43
SAN BENITO	14	$84,126.00
SAN BERNARDINO	261	$3,641,315.97
SAN DIEGO	16	$78,973.46
SAN FRANCISCO	301	$938,012.50
SAN JOAQUIN	175	$460,217.50

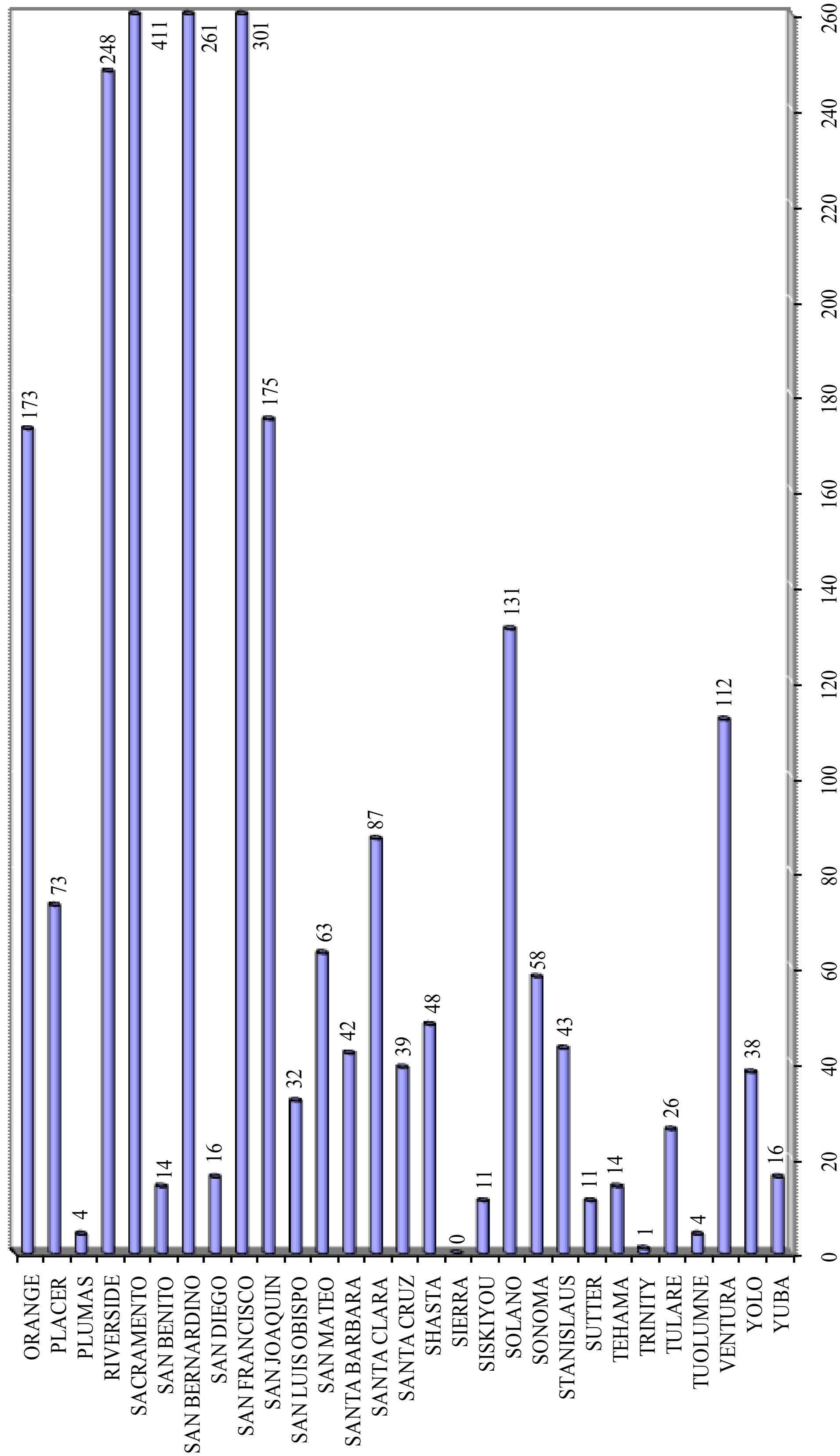
Table 1

County	Total Cases Initiated	Estimated Value of Assets Seized
SAN LUIS OBISPO	32	$506,317.57
SAN MATEO	63	$378,788.56
SANTA BARBARA	42	$428,717.73
SANTA CLARA	87	$485,062.91
SANTA CRUZ	39	$283,976.73
SHASTA	48	$409,809.10
SIERRA	0	$0.00
SISKIYOU	11	$96,532.35
SOLANO	131	$323,502.07
SONOMA	58	$901,536.72
STANISLAUS	43	$167,017.41
SUTTER	11	$43,166.03
TEHAMA	14	$56,408.12
TRINITY	1	$140,962.00
TULARE	26	$168,590.17
TUOLUMNE	4	$15,674.00
VENTURA	112	$856,128.98
YOLO	38	$74,949.99
YUBA	16	$179,898.34
Total:	4,435	$32,718,487.49

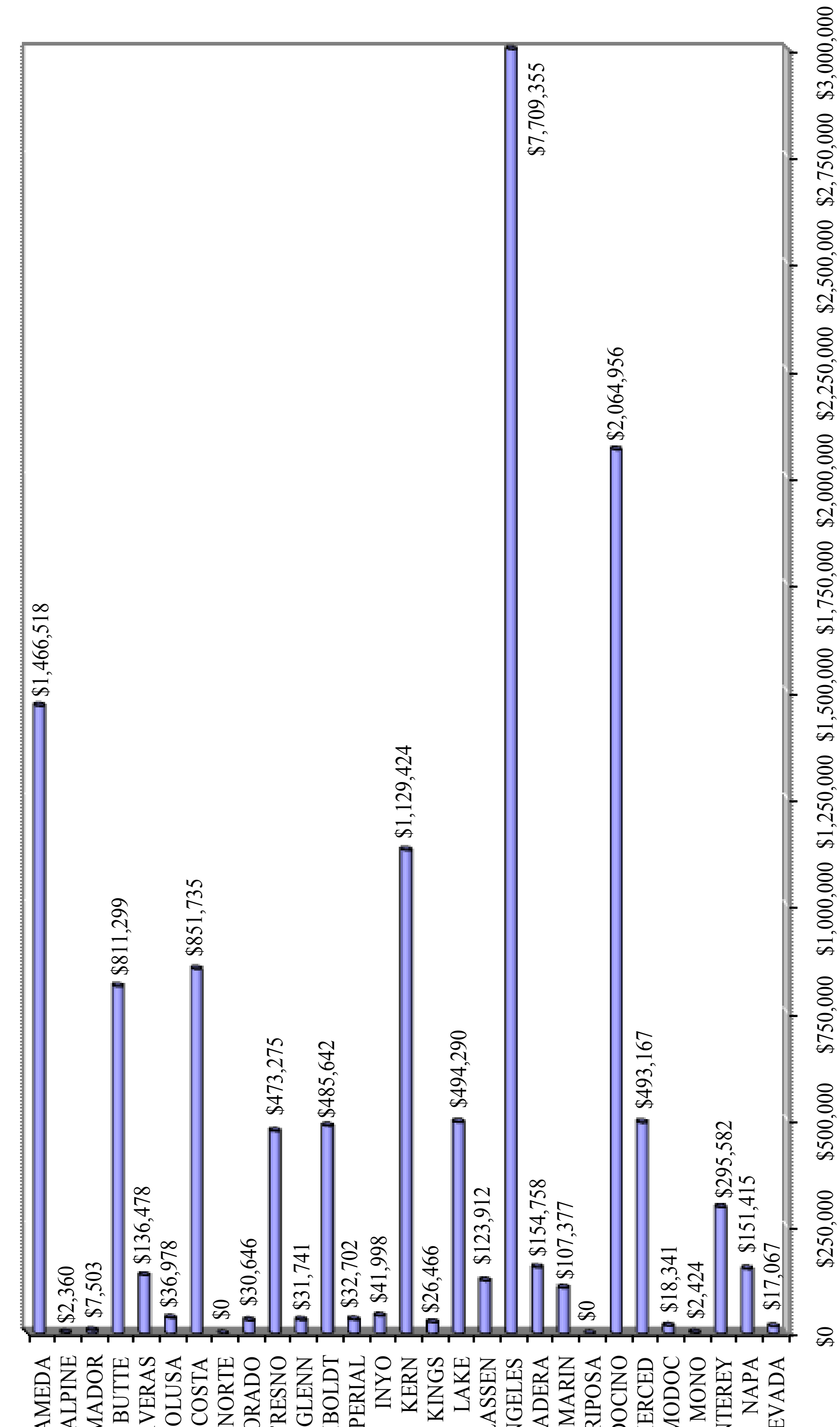
Number of Forfeiture Actions Initiated by County
January 1, 2008 - December 31, 2008



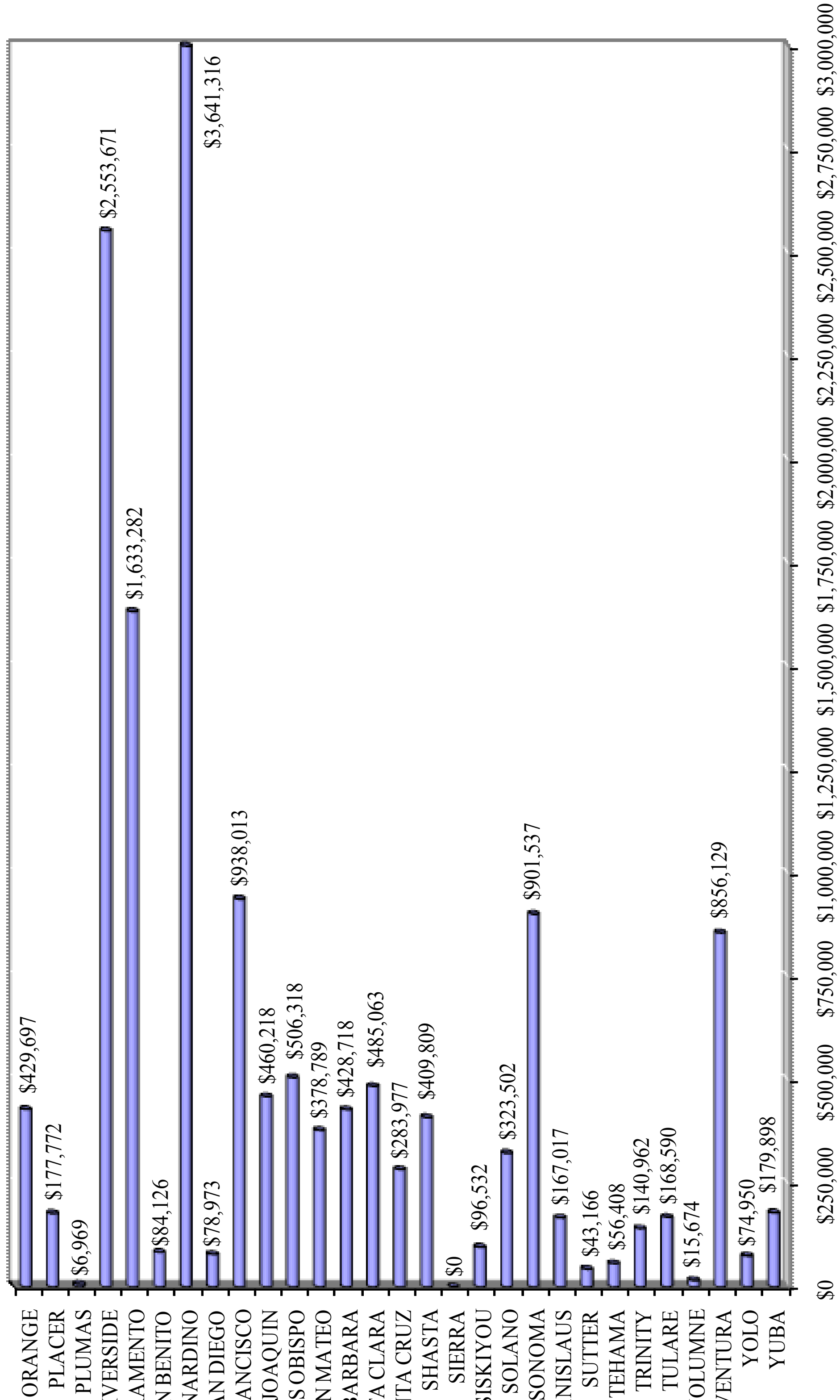
Number of Forfeiture Actions Initiated by County
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Estimated Value of Forfeiture Actions Initiated by County
January 1, 2008 - December 31, 2008



Estimated Value of Forfeiture Actions Initiated by County
January 1, 2008 - December 31, 2008



Forfeitures Completed

- Table 2 provides summary information by county on asset forfeiture cases completed pursuant to California law during 2008. (This includes disbursement information on cases initiated from 1995 through 2008.)

- For purposes of this report, an asset forfeiture case is considered completed when forfeiture has been ordered or declared and all assets have been distributed. (When initiated cases were adjudicated and all items seized were returned to the defendant, the cases were not considered asset forfeiture cases—rather these cases were treated as not being forfeited.)

- Cases initiated from 1995 through 2008 in which only a partial distribution has been made are not listed in Table 3 because they are considered still pending. (These cases will be included in the report for the calendar year in which the case has been fully distributed.)

- Table 3 provides detailed information on each asset forfeiture case completed pursuant to California law during 2008. (This includes disbursement information on cases initiated from 1995 through 2008.)

- The "Amount Forfeited" listed in Table 3 for each case represents the net amount available for disbursement, after deduction of costs or returns to claimants and addition of accrued interest.

- The following counties show zeroes in Table 2 and are not shown in Table 3 because, during this report period, they did not fully distribute assets from any forfeiture cases initiated from 1995 through 2008:

Alpine	Colusa	Del Norte
Imperial	Marin	Mariposa
San Benito	Sierra	Trinity
Yuba		

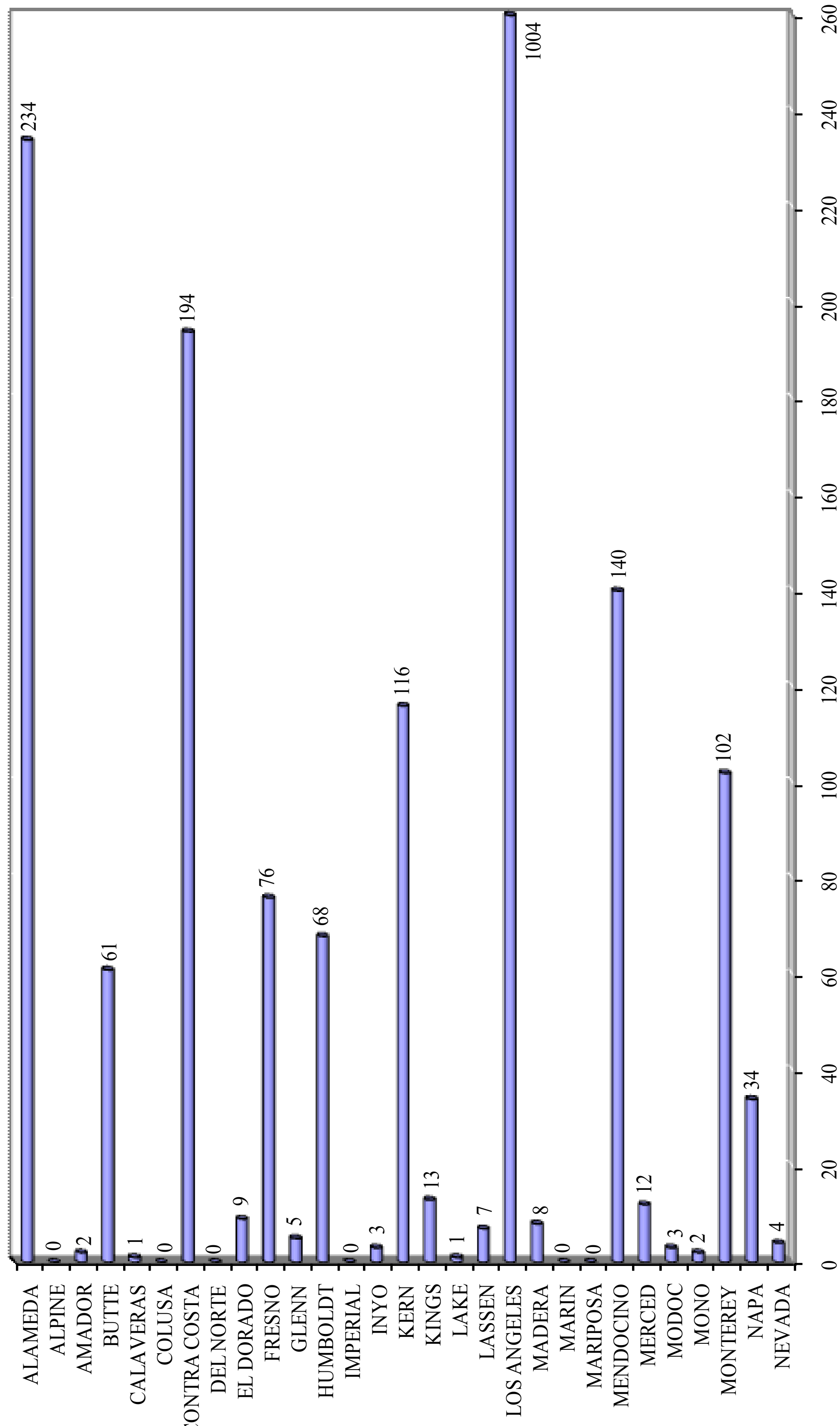
Table 2

County	Forfeitures Completed	Amount Disbursed
ALAMEDA	234	$1,081,937.59
ALPINE	0	$0.00
AMADOR	2	$2,878.00
BUTTE	61	$221,290.56
CALAVERAS	1	$3,167.52
COLUSA	0	$0.00
CONTRA COSTA	194	$730,653.41
DEL NORTE	0	$0.00
EL DORADO	9	$15,988.93
FRESNO	76	$211,248.04
GLENN	5	$28,058.21
HUMBOLDT	68	$620,606.79
IMPERIAL	0	$0.00
INYO	3	$23,395.30
KERN	116	$682,695.87
KINGS	13	$29,222.95
LAKE	1	$2,015.66
LASSEN	7	$106,542.47
LOS ANGELES	1,004	$8,175,593.70
MADERA	8	$12,736.76
MARIN	0	$0.00
MARIPOSA	0	$0.00
MENDOCINO	140	$1,479,440.13
MERCED	12	$30,687.71
MODOC	3	$6,434.00
MONO	2	$55,473.50
MONTEREY	102	$210,242.49
NAPA	34	$106,414.96
NEVADA	4	$169,784.35
ORANGE	392	$1,317,132.82
PLACER	46	$85,930.07
PLUMAS	24	$32,765.81
RIVERSIDE	138	$849,838.57
SACRAMENTO	414	$1,400,054.50
SAN BENITO	0	$0.00
SAN BERNARDINO	276	$3,597,291.69
SAN DIEGO	8	$17,291.21
SAN FRANCISCO	253	$609,460.29
SAN JOAQUIN	181	$478,589.35
SAN LUIS OBISPO	29	$84,427.26
SAN MATEO	74	$393,518.80

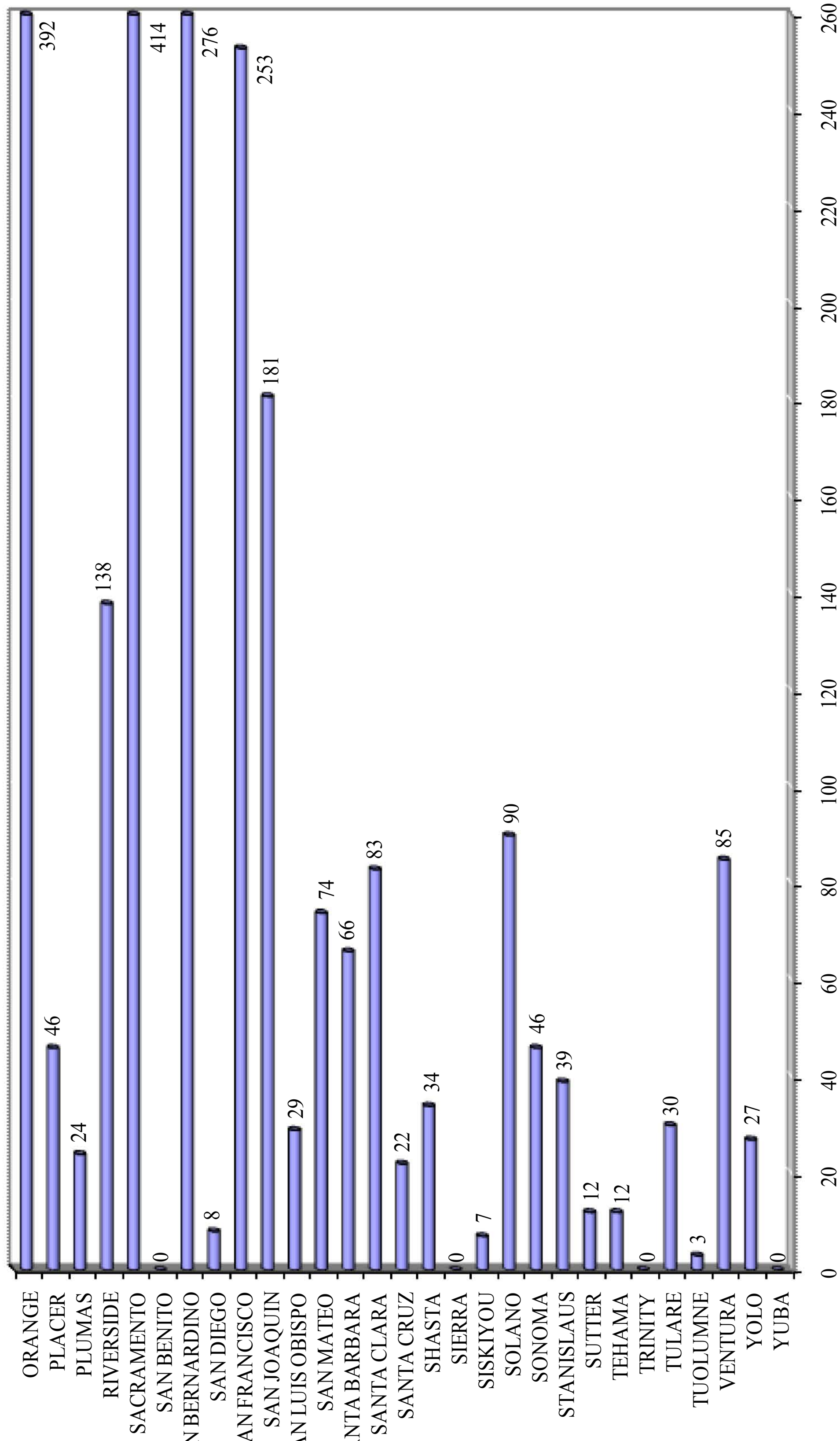
Table 2

County	Forfeitures Completed	Amount Disbursed
SANTA BARBARA	66	$504,338.51
SANTA CLARA	83	$344,818.18
SANTA CRUZ	22	$58,208.11
SHASTA	34	$79,153.20
SIERRA	0	$0.00
SISKIYOU	7	$62,022.05
SOLANO	90	$195,020.98
SONOMA	46	$332,854.61
STANISLAUS	39	$125,814.63
SUTTER	12	$94,435.55
TEHAMA	12	$60,981.21
TRINITY	0	$0.00
TULARE	30	$254,113.26
TUOLUMNE	3	$13,401.87
VENTURA	85	$491,650.66
YOLO	27	$58,605.45
YUBA	0	$0.00
Total:	4,490	$25,548,227.54

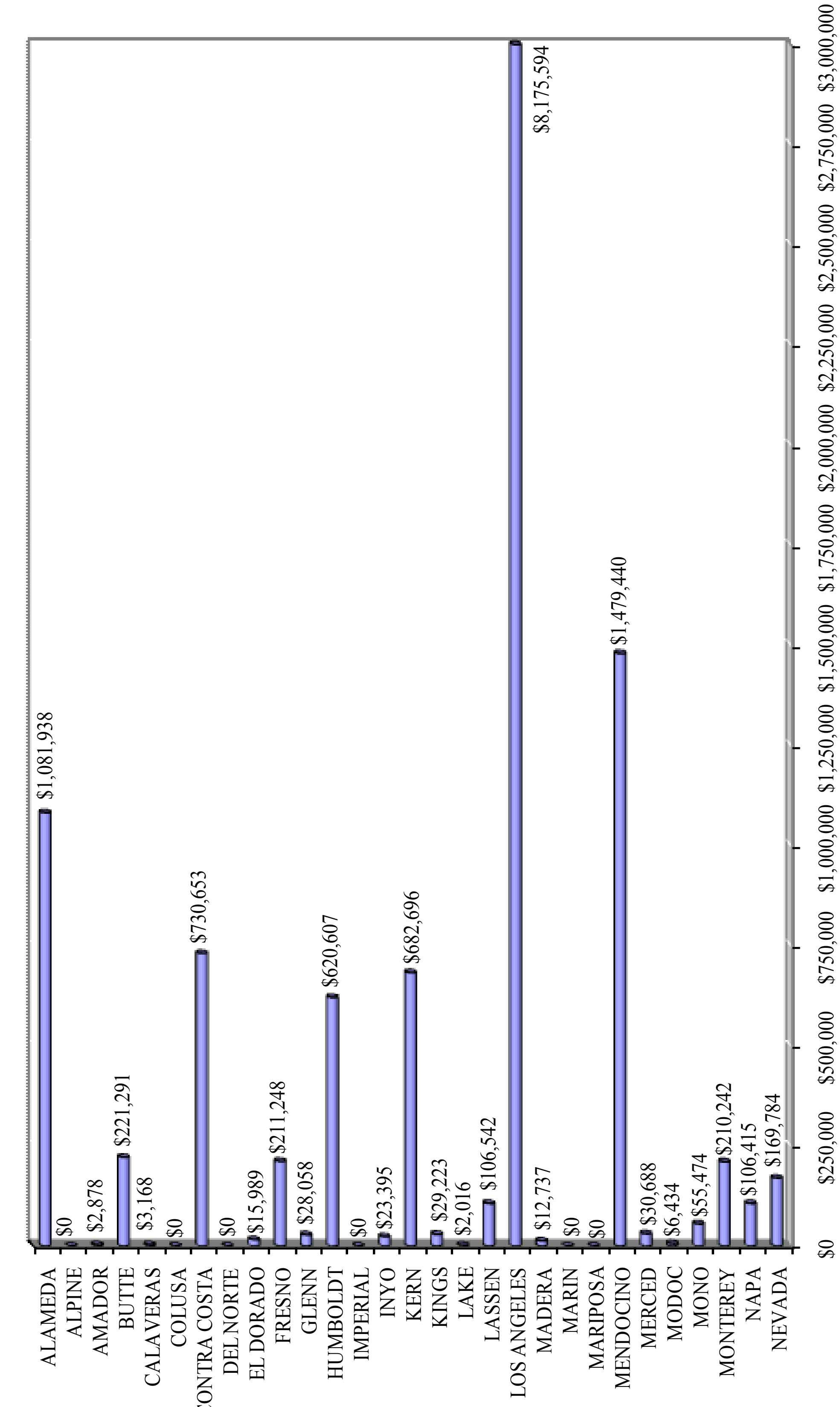
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